

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS**

ARK84 DOE,

Plaintiff,

v.

DIOCESE OF BROOKLYN a/k/a
THE ROMAN CATHOLIC
DIOCESE OF BROOKLYN, NEW
YORK; ST. VINCENT'S SERVICES,
INC. a/k/a and d/b/a
HEARTSHARE ST. VINCENT'S
SERVICES f/k/a ST. VINCENT'S
HOME FOR BOYS f/k/a ST.
VINCENT'S HALL, INC.;
CATHOLIC CHARITIES DIOCESE
OF BROOKLYN a/k/a and d/b/a
CATHOLIC CHARITIES, DIOCESE
OF BROOKLYN a/k/a CATHOLIC
CHARITIES BROOKLYN AND
QUEENS; and DOES 1-5 whose
identities are unknown to Plaintiff,

Defendants.

Index No. _____

SUMMONS**TO THE ABOVE NAMED DEFENDANTS:**

PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the Complaint, a copy of which is hereby served upon you, and to serve a copy of your Answer to the Complaint upon the undersigned attorneys listed below within twenty (20) days after the service of this Summons, exclusive of the day of service (or within thirty (30) days after the service is complete if this Summons is not personally delivered to you within the State of New York); and in the case of your failure to appear or answer,

judgment by default will be taken against you for the relief demanded herein.

Dated: August 14, 2019
New York, New York

/s/ Jeffrey R. Anderson
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Counsel for Plaintiff

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**COMPLAINT
AND DEMAND
FOR JURY TRIAL**

From approximately the years of 1973 through 1978, counselors ("Counselors") at St. Vincent's Home for Boys sexually abused Plaintiff as a child. While the abuse occurred, Defendants were generally negligent, they negligently employed Counselors, and gave Counselors access to children, including Plaintiff. This lawsuit arises out of Plaintiff's significant damages from that sexual abuse, described below. Plaintiff, by and through Plaintiff's attorneys, states and alleges as follows:

PARTIES**A. Plaintiff**

1. At all times material to this Complaint, Plaintiff was a resident at St. Vincent's Home for Boys in Brooklyn, New York. At all times material, Plaintiff resided in the State of New York.

2. Plaintiff brings this action under a pseudonym with leave of Court.

B. Defendants

3. Whenever reference is made to any Defendant entity, such reference includes that entity, its parent companies, subsidiaries, affiliates, predecessors, and successors. In addition, whenever reference is made to any act, deed, or transaction of any entity, the allegation means that the entity engaged in the act, deed, or transaction by or through its officers, directors, agents, employees, or representatives while they were actively engaged in the management, direction, control, or transaction of the entity's business or affairs.

4. At all times material, Defendant Diocese of Brooklyn a/k/a The Roman Catholic Diocese of Brooklyn, New York ("Diocese") was and continues to be an organization or entity which includes, but is not limited to, civil corporations, decision making entities, officials, and employees, authorized to conduct business and conducting business in the State of New York with its principal place of business at 310 Prospect Park West, Brooklyn, NY 11215.

5. The Diocese was created in approximately 1853. Later, the Diocese created a corporation called The Roman Catholic Diocese of Brooklyn, New York to conduct some

of its affairs. The Diocese operates its affairs as both a corporate entity and as the organization known as the Diocese of Brooklyn. Both of these entities and all other affiliated corporations and entities controlled by the Bishop are included in this Complaint as the "Diocese." The Diocese functions as a business by engaging in numerous revenue producing activities and soliciting money from its members in exchange for its services.

6. The Diocese has several programs that seek out the participation of children including, but not limited to, schools and other educational programs. The Diocese, through its officials, has complete control over those activities and programs involving children. The Diocese has the power to appoint, train, supervise, monitor, remove, and terminate each and every person working with children within the Diocese.

7. At all times material, Defendant St. Vincent's Services, Inc. a/k/a and d/b/a HeartShare St. Vincent's Services f/k/a St. Vincent's Home for Boys f/k/a St. Vincent's Hall, Inc. ("St. Vincent's") was and continues to be an organization authorized to conduct business and conducting business in the State of New York, with its principal place of business at 66 Boerum Place, Brooklyn, NY 11201. St. Vincent's includes, but is not limited to, the St. Vincent's Services, Inc. corporation and any other organizations and/or entities operating under the same or similar name with the same or similar principal place of business.

8. At all times material, Defendant St. Vincent's was and continues to be under the direct authority, control, and province of Defendant Diocese and the Bishop of Defendant Diocese. St. Vincent's includes any school affiliated with St. Vincent's. At all

times material, St. Vincent's school was under the direct authority, control, and province of Defendant Diocese and the Bishop of Defendant Diocese. At all times material, Defendants St. Vincent's and Diocese owned, operated, managed, maintained, and controlled St. Vincent's school.

9. At all times material, Defendant Catholic Charities Diocese of Brooklyn a/k/a and d/b/a Catholic Charities, Diocese of Brooklyn a/k/a Catholic Charities Brooklyn and Queens ("Catholic Charities") was and continues to be an organization authorized to conduct business and conducting business in the State of New York, with its principal place of business at 191 Joralemon Street, Brooklyn, NY 11201. Catholic Charities includes, but is not limited to, the Catholic Charities, Diocese of Brooklyn corporation and any other organizations and/or entities operating under the same or similar name with the same or similar principal place of business.

10. At all times material, Defendant Catholic Charities was and continues to be under the direct authority, control, and province of Defendant Diocese and the Bishop of Defendant Diocese. At all times material, Defendant Diocese owned, operated, managed, maintained, and controlled Catholic Charities.

11. Upon information and belief, at all times material, Catholic Charities operated, controlled, managed, and/or was affiliated with St. Vincent's.

12. Defendants Does 1 through 5 are unknown agents whose identities will be provided when they become known pursuant to C.P.L.R. § 1024.

JURISDICTION

13. This Court has jurisdiction pursuant to C.P.L.R. § 301 as Defendants'

principal places of business are in New York and because the unlawful conduct complained of herein occurred in New York.

14. Venue is proper pursuant to C.P.L.R. § 503 in that Kings County is the principal place of business of Defendant Diocese. In addition, many of the events giving rise to this action occurred in Kings County.

FACTUAL ALLEGATIONS

A. Background

15. The hierarchy of the Roman Catholic Church and, by implication these Defendants, have been aware of the serious problem of clergy sexual abuse of children since at least the 1800s.

16. Further, Roman Catholic Church officials, including these Defendants, have used their power and influence to prevent victims and their families from disclosing allegations of abuse.

17. Additionally, Plaintiff's relationship to Defendants and Counselors, as a vulnerable child and resident at St. Vincent's, was one in which Plaintiff was subject to the ongoing influence of Defendants and Counselors, Plaintiff's abusers.

B. Specific Allegations

18. At all times material, Counselors were employed by the Diocese and St. Vincent's. Counselors remained under the direct supervision, employ, and control of Defendants.

19. Defendants placed Counselors in positions where they had access to and worked with children as an integral part of their work.

20. Plaintiff was a resident of St. Vincent's in Brooklyn, in the Diocese. Plaintiff came in contact with Counselors as agents and representatives of Defendants, and at St. Vincent's.

21. Plaintiff, as a minor, vulnerable child, and resident in custody and under the care of St. Vincent's, was dependent on Defendants and Counselors. Plaintiff developed great admiration, trust, reverence, and respect for the Roman Catholic Church, including Defendants and their agents, including Counselors. Defendants had custody of Plaintiff and accepted the entrustment of Plaintiff and, therefore, had responsibility for Plaintiff and authority over Plaintiff.

22. From approximately 1973 to 1978, when Plaintiff was approximately 10 to 15 years old, Counselors engaged in unpermitted sexual contact with Plaintiff.

COUNT I: NEGLIGENCE

23. Plaintiff realleges paragraphs 1-22 above.

24. Each Defendant owed Plaintiff a duty of reasonable care to protect the Plaintiff from injury.

25. Each Defendant owed Plaintiff a duty of care because each Defendant had a special relationship with Plaintiff.

26. Defendants also had a duty arising from the special relationship that existed with Plaintiff, Plaintiff's parents, and other parents of young, innocent, vulnerable children in the Diocese to properly train and supervise its employees. This special relationship arose because of the high degree of vulnerability of the children entrusted to their care. As a result of this high degree of vulnerability and risk of sexual abuse inherent

in such a special relationship, Defendants had a duty to establish measures of protection not necessary for persons who are older and better able to safeguard themselves.

27. Each Defendant owed Plaintiff a duty to protect Plaintiff from harm because each Defendant also had a special relationship with Counselors.

28. Defendants owed Plaintiff a duty of reasonable care because they undertook custody of minor children, including Plaintiff; promoted their facilities and programs as being safe for children; held their agents, including Counselors, out as safe to work with children; encouraged children to spend time with their agents; and/or encouraged their agents, including Counselors, to spend time with, interact with, and recruit children.

29. By accepting custody of the minor Plaintiff, Defendants established an *in loco parentis* relationship with Plaintiff and in so doing, owed Plaintiff a duty to protect Plaintiff from injury. Further, Defendants entered into a fiduciary relationship with Plaintiff by undertaking the custody, supervision of, and/or care of the minor Plaintiff. As a result of Plaintiff being a minor, and by Defendants undertaking the care and guidance of the Plaintiff, Defendants also held a position of empowerment over Plaintiff. Further, Defendants, by holding themselves out as being able to provide a safe environment for children, solicited and/or accepted this position of empowerment. Defendants, through its employees, exploited this power over Plaintiff and, thereby, put the minor Plaintiff at risk for sexual abuse.

30. By establishing and/or operating the Diocese, Catholic Charities, and St. Vincent's, accepting the minor Plaintiff as a participant in their programs, holding their

facilities and programs out to be a safe environment for Plaintiff, accepting custody of the minor Plaintiff *in loco parentis*, and by establishing a fiduciary relationship with Plaintiff, Defendants entered into an express and/or implied duty to properly supervise Plaintiff and provide a reasonably safe environment for children, who participated in their programs. Defendants owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from foreseeable dangers. Defendants had the duty to exercise the same degree of care over minors under their control as a reasonably prudent person would have exercised under similar circumstances.

31. By establishing and operating the Diocese, Catholic Charities, and St. Vincent's, which offered social services and educational programs to children and which may have included a school, and by accepting the enrollment and participation of the minor Plaintiff as a participant in those services and programs, Defendants owed Plaintiff a duty to properly supervise Plaintiff to prevent harm from generally foreseeable dangers.

32. Each Defendant owed Plaintiff a duty to protect Plaintiff from harm because Defendants invited Plaintiff onto their property and Counselors posed dangerous conditions on Defendants' property.

33. Each Defendant breached its duties to Plaintiff. Defendants failed to use ordinary care in determining whether their facilities were safe and/or determining whether they had sufficient information to represent their facilities as safe. Defendants' breach of their duties include, but are not limited to: failure to protect Plaintiff from a known danger, failure to have sufficient policies and procedures in place to prevent child

sex abuse, failure to properly implement policies and procedures to prevent child sex abuse, failure to take reasonable measures to ensure that policies and procedures to prevent child sex abuse were working, failure to adequately inform families and children of the risks of child sex abuse, failure to investigate risks of child molestation, failure to properly train the employees/counselors at institutions and programs within Defendants' geographical confines, failure to train the minors within Defendants' geographical confines about the dangers of sexual abuse by counselors and others in positions of authority, failure to have any outside agency test their safety procedures, failure to protect the children in their programs from child sex abuse, failure to adhere to the applicable standard of care for child safety, failure to investigate the amount and type of information necessary to represent the institutions, programs, leaders and people as safe, failure to train their employees properly to identify signs of child molestation by fellow employees, failure by relying upon mental health professionals, and/or failure by relying on people who claimed that they could treat child molesters.

34. Defendants also breached their duty to Plaintiff by failing to warn Plaintiff and Plaintiff's family of the risk that Counselors posed and the risks of child sexual abuse in Catholic institutions. They also failed to warn them about any of the knowledge that Defendants had about child sexual abuse.

35. Defendants additionally violated a legal duty by failing to report known and/or suspected abuse of children by Counselors and/or their other agents to the police and law enforcement.

36. Prior to the sexual abuse of Plaintiff, Defendants learned or should have

learned that Counselors were not fit to work with children. Defendants, by and through their agents, servants and/or employees, became aware, or should have become aware of Counselors' propensity to commit sexual abuse and of the risk to Plaintiff's safety. At the very least, Defendants knew or should have known that they did not have sufficient information about whether or not their leaders and people working at St. Vincent's and other Catholic institutions within the Diocese were safe.

37. Defendants knew or should have known that there was a risk of child sex abuse for children participating in Catholic programs and activities within the Diocese. At the very least, Defendants knew or should have known that they did not have sufficient information about whether or not there was a risk of child sex abuse for children participating in Catholic programs and activities within the Diocese.

38. Defendants knew or should have known that Defendants had numerous agents who had sexually molested children. Defendants knew or should have known that child molesters have a high rate of recidivism. They knew or should have known that there was a specific danger of child sex abuse for children participating in their youth programs.

39. However, despite this knowledge, Defendants negligently deemed that Counselors were fit to work with children; and/or that any previous suitability problems Counselors had were fixed and cured; and/or that Counselors would not sexually molest children; and/or that Counselors would not injure children.

40. Defendants' actions created a foreseeable risk of harm to Plaintiff. As a vulnerable child participating in the programs and activities Defendants offered to

minors, Plaintiff was a foreseeable victim. Additionally, as a vulnerable child who Counselors had access to through Defendants' facilities and programs, Plaintiff was a foreseeable victim.

41. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering. The sexual abuse and resulting injuries to Plaintiff were caused solely and wholly by reason of the negligent failures of Defendants.

COUNT II: NEGLIGENT TRAINING AND SUPERVISION OF EMPLOYEES

42. Plaintiff realleges paragraphs 1-41 above.

43. At all times material, Counselors were employed by Defendants and were under each Defendant's direct supervision, employ, and control when they committed the wrongful acts alleged herein. Counselors engaged in the wrongful conduct while acting in the course and scope of their employment with Defendants and/or accomplished the sexual abuse by virtue of their job-created authority.

44. Defendants had a duty, arising from their employment of Counselors to ensure that Counselors did not sexually molest children.

45. Further, Defendants owed a duty to train and educate employees and administrators and establish adequate and effective policies and procedures calculated to detect, prevent, and address inappropriate behavior and conduct between counselors and children.

46. Defendants were negligent in the training, supervision, and instruction of their employees. Defendants failed to timely and properly educate, train, supervise,

and/or monitor their agents or employees with regard to policies and procedures that should be followed when sexual abuse of a child is suspected or observed. Defendants were additionally negligent in failing to supervise, monitor, chaperone, and/or investigate Counselors and/or in failing to create, institute, and/or enforce rules, policies, procedures, and/or regulations to prevent Counselors' sexual abuse of Plaintiff. In failing to properly supervise Counselors, and in failing to establish such training procedures for employees and administrators, Defendants failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

47. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering. The sexual abuse and resulting injuries to Plaintiff were caused solely and wholly by reason of the negligent failures of Defendants in the training and/or supervising of its employees.

COUNT III: NEGLIGENT RETENTION OF EMPLOYEES

48. Plaintiff realleges paragraphs 1-47 above.

49. At all times material, Counselors were employed by Defendants and were under each Defendant's direct supervision, employ, and control when they committed the wrongful acts alleged herein.

50. Defendants negligently retained Counselors with knowledge of Counselors' propensity for the type of behavior which resulted in Plaintiff's injuries in this action. Defendants failed to investigate Counselors' past and/or current history of sexual abuse and, through the exercise of reasonable diligence, should have known of

Counselors' propensity for child sexual abuse. Defendants should have made an appropriate investigation of Counselors and failed to do so. An appropriate investigation would have revealed the unsuitability of Counselors for continued employment and it was unreasonable for Defendants to retain Counselors in light of the information they knew or should have known.

51. Defendants negligently retained Counselors in positions where they had access to children and could foreseeably cause harm which Plaintiff would not have been subjected to had Defendants taken reasonable care.

52. In failing to timely remove Counselors from working with children or terminate the employment of Counselors, Defendants failed to exercise the degree of care that a reasonably prudent person would have exercised under similar circumstances.

53. As a direct result of the foregoing, Plaintiff sustained physical, emotional, and psychological injuries, along with pain and suffering. The sexual abuse and resulting injuries to Plaintiff were caused solely and wholly by reason of the negligent failures of Defendants in the retention of its employees.

PRAYER FOR RELIEF

WHEREFORE, based on the foregoing causes of action, Plaintiff prays for judgment against Defendants in an amount that will fully and fairly compensate Plaintiff for Plaintiff's injuries and damages and for any other relief the Court deems appropriate. The amount of damages sought in this Complaint exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

JURY DEMAND

Plaintiff demands a trial by jury of all issues so triable. Pursuant to §4 of the New York Child Victims Act, Plaintiff is entitled to a trial preference.

Dated: August 14, 2019
New York, New York

/s/ Jeffrey R. Anderson
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